NOTE: Other regulations relating to pelagic longline fishing and sea turtles may apply.

SMALL ENTITY COMPLIANCE GUIDE

INTERIM FINAL RULE

Requiring Vessels in the Atlantic Pelagic Longline Fishery to Possess and Use Dipnets and Line Clippers and Revising the Definition of Pelagic Longline Gear

March 29, 2001

If you fish for swordfish, tunas, or sharks using pelagic longline gear, please read the following information carefully. The interim final rule summarized here will affect any vessels issued Federal limited access permits for Atlantic highly migratory species (HMS) that use ***pelagic longline gear***. Please contact Margo Schulze-Haugen or Tyson Kade of the Highly Migratory Species Management Division at (301) 713-2347 for more information or for copies of the Environmental Assessment and Regulatory Impact Review for the Interim Final Rule.

Who is Affected?

Q1: *I use pelagic longline gear. Will these regulations affect me?*

A: Yes, if you have or are required to have a Federal permit for Atlantic HMS and have pelagic longline gear on board your vessel. You are required to carry on board and use a dipnet and line clipper to remove fishing gear from entangled and hooked sea turtles as explained in 50 CFR Part 635.2, 635.21, and 635.71, effective immediately.

Q2: *I use pelagic longline gear but do not have a limited access permit to fish for swordfish, tunas, or sharks. Will these regulations affect me?*

A: No, these gear restrictions apply only to commercial fishermen who hold Federal permits for Atlantic HMS and have pelagic longline gear on board.

Q3: *I am a recreational fisherman. Will these regulations affect me?*

A: No. These regulations only affect commercial fishermen in the Atlantic Ocean or Gulf of Mexico who have a Federal permit for Atlantic HMS and have pelagic longline gear on board.

Definition of Gear

Q4: *What is longline gear?*

A: A longline is fishing gear that is set horizontally, either anchored, floating, or attached to a vessel, and that consists of a mainline with three or more leaders (gangions) and hooks, whether retrieved by hand or mechanical means.

Q5: *What is pelagic longline gear?*

A: Pelagic longline gear is defined as a longline that is suspended by floats in the water column and that is not fixed to or in contact with the ocean bottom. Your vessel has pelagic longline gear when the following are on board:

1. A power-operated longline hauler,
2. A mainline,
3. Floats capable of supporting the mainline, and
4. Leaders (gangions) with hooks

Removal from the vessel of any one of these four elements constitutes removal of pelagic longline gear.

Q6: *What is a high-flyer?*

A: A high-flyer is defined as a flag, radar reflector or radio beacon transmitter, suitable for attachment to a longline to facilitate its location and retrieval.

Q7: *Why was high-flyer removed from the pelagic longline gear definition?*

A: NMFS modified the definition of pelagic longline gear to remove the high-flyer component because it is possible to use a longline that is suspended by floats without the use of high-flyers. This gear could potentially be utilized to target tunas, swordfish, and sharks in an area closed to pelagic longline gear, undermining the objective of bycatch reduction and reducing the benefits of the closures. Removing high-flyer from the definition avoids this problem.

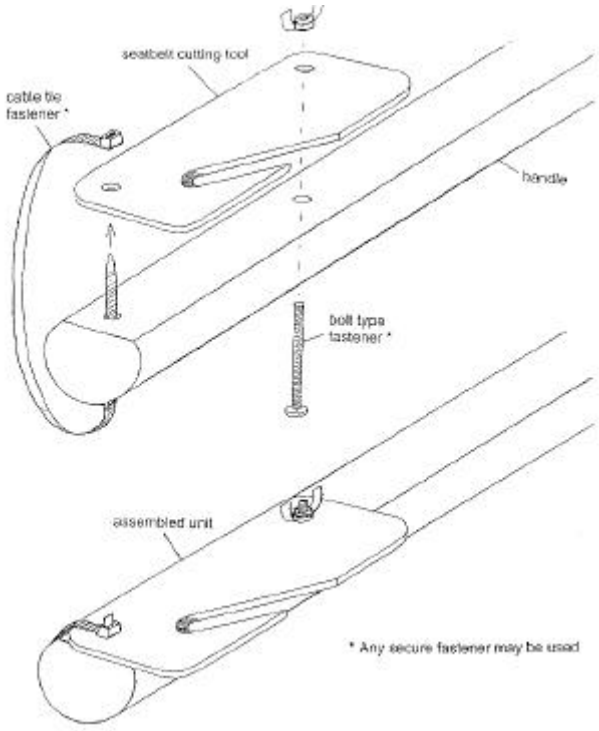
Gear Requirements

Q8: *Are there any gear or fishing method requirements in this rule?*

A: Yes. As of April 10, 2001, all vessels with an Atlantic HMS permit and pelagic longline gear on board are required to have a dipnet and line clipper on board that meet NMFS' design and performance standards. The equipment must be used by the vessel captain, crew, or observer to disengage any hooked or entangled sea turtles through compliance with the regulations for use of the gear and handling of sea turtles taken incidentally in the fishery.

Q9: *What are the specifications for the dipnet and line clipper?*

A: The dipnet is a device that is intended to facilitate safe handling of sea turtles and access to sea turtles by lifting them out of the water for purposes of removing lines. It must have an extended reach handle of at least 6 feet (1.82 m) of wood or of another rigid material able to support a minimum of 100 lbs (34.1 kg) without breaking or significant bending or distortion. It must have a net hoop of at least 31 inches (78.74 cm) inside diameter and a bag depth of at least 38 inches (96.52 cm). The mesh opening may be no more than 3 inches x 3 inches (7.62 cm x 7.62 cm).



The line clipper is a device that is intended to cut fishing line as close as possible to hooked or entangled sea turtles. The cutting blade must be curved, recessed, or contained in a holder or otherwise protected to minimize the direct contact of the cutting surface with sea turtles or users of the cutting blade. The blade must be capable of cutting 2.0 to 2.1 mm monofilament line and nylon or polypropylene multistrand material commonly known as braided mainline or tarred mainline. The line clipper must have an extended reach handle or pole of at least 6 feet (1.82 m) and the blade must be securely fastened to the handle to ensure effective deployment and use.

Q10: *Are there specially approved devices that I can purchase?*

A: No. Design specifications allow you to make your own. The Arcenaux model above is one configuration that meets the design specifications (see March 28, 2000, Federal Register p. 16349).

Sea Turtle Handling

Q11: *What is the appropriate technique for handling and releasing hooked or entangled sea turtles?*

A: Immediately upon sighting a turtle that appears hooked or entangled, slow the vessel and the mainline reel speed. Adjust the direction of vessel to move towards the turtle, minimizing the tension on the mainline and leader. Holding the snap-clip of the leader containing the turtle, continue to move toward the turtle at a slow speed. *Stop the vessel and take the engine out of gear once the turtle is brought alongside.* Retrieve the leader with the turtle slowly, keeping a gentle, consistent tension on the line. Do not tug or yank the line quickly. *Do not use gaffs or sharp objects to retrieve the turtle.* Keep enough slack or play on the line to keep the turtle near the vessel but in the water until you can determine whether it is best to release the turtle in the water or bring it on board safely. If the vessel has cut-out doors, use this cut-out area to bring turtles on board to minimize the distance from the water.

Try to assess the size of the turtle. If it is small, bring it on board using the dipnet. Use the line clippers to remove as much gear as possible. Remove hooks that are externally embedded or visibly embedded in the mouth or beak. If a hook cannot be seen, cut the line as close to the hook as possible. If the turtle is comatose or inactive but not dead, bring it on board the vessel and try to resuscitate it (see Q14 for resuscitation techniques).

If the turtle is too large to board safely, leave it in the water and use the line clippers to remove as much line as possible from the animal. *Do not leave line attached.* If it is hooked externally, cut the line at the eye of the hook or as close to the hook as possible. If the turtle is hooked internally or in the mouth or throat so that it is not fully visible, cut the leader as close to the eye of the hook as possible and leave the hook in place to minimize damage.

Q12: *How do I know if a sea turtle is small enough to bring safely on board?*

A: It is difficult to classify a definitive size for a small turtle. As a general guideline, if the sea turtle would fit into the dipnet without placing significant strain upon the equipment or harm to the sea turtle, it is probably small enough to be brought on board safely using a dipnet. If you cannot easily lift the turtle or if there is any chance that lifting the turtle will hurt it, leave it in the water and use the line clipper to remove as much gear as possible without bringing the animal on board. Use your best judgment.

Q13: *Should I try to remove all the hooks from the sea turtle?*

A: At this time, it is recommended that all hooks that are located externally be removed. However, if the turtle cannot be safely brought on board or alongside the vessel to ensure that removal of a hook will not cause further injury to the turtle, do not attempt to remove the hook. Hooks that are visibly embedded in the beak or mouth should be removed if this can be accomplished without causing further injury to the turtle. In order to remove a hook safely from the beak or mouth of the turtle, hold the mouth open by placing a non-injurious wooden object, such as a broom handle, horizontally across the mouth. Use extreme caution when attempting to remove hooks, as turtles have strong, crushing jaws that can cause serious injuries. If the hook is in the mouth or throat so that it is not fully visible, do not attempt to remove it. Cut the leader as close to the eye of the hook as possible and leave the hook in place. Every situation will be slightly different; fishermen must use their best judgment to ensure that further damage is not done to the turtle and the safety of those working nearby.

Q14: *How do I resuscitate a comatose sea turtle?*

A: If the turtle is small and is comatose or inactive but not dead, bring it on board the vessel and try to resuscitate it. Place the turtle on its breastplate and elevate its hindquarters several inches for up to 24 hours. The amount of elevation depends on the size of the turtle; larger turtles need greater elevation. Set the turtle aside for up to 24 hours in a shaded, protected area, and cover with a moist cloth. If the turtle revives and becomes active, release it over the stern only when the engine gears are in neutral and when fishing gear is not in use. If it does not revive, release it in the same manner as a live turtle.

Q15: *What do I do with a dead sea turtle?*

A: A turtle is considered dead if the muscles are stiff (rigor mortis) and/or the flesh has begun to rot; otherwise, the turtle is considered to be comatose or inactive and resuscitation attempts are necessary. A dead turtle is to be released the same way as a live turtle, when no gear is deployed and the engine gears are in a neutral position.